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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

E-FILED - 10/18/05

IN RE NETOPIA, INC. SECURITIES
 LITIGATION

**CASE NO.: C 04-3364 RMW (PVT)
 And Related Cases**

CLASS ACTION

This Document Relates to:

All Actions

**STIPULATION AND [PROPOSED]
 ORDER REGARDING PLAINTIFFS
 FILING A SINGLE OPPOSITION BRIEF
 OF 40 PAGES CONCERNING ALL OF
 DEFENDANTS' MOTIONS TO DISMISS**

1 WHEREAS, on August 29, 2005, Defendants Alan B. Lefkof, David A. Kadish, and
2 Netopia, Inc. Filed a Notice of Motion and Motion to Dismiss, or in the Alternative to Strike
3 Allegations From, Plaintiffs' Consolidated Amended Complaint;

4 WHEREAS, on August 29, 2005, Defendant Thomas A. Skoulis filed a Notice of Joinder
5 and Joinder of Defendant Thomas Skoulis to Defendants' Pending Notice of Motion and Motion to
6 Dismiss and/or in the Alternative to Strike Allegations from Plaintiffs' Consolidated Amended
7 Complaint;

8 WHEREAS, on September 6, 2005, Defendant William D. Baker filed a Notice of Joinder
9 and Joinder to Defendants' Notice of Motion and Motion to Dismiss, or in the Alternative to Strike
10 Allegations from, Plaintiffs' Consolidated Amended Complaint, and a Notice of Motion and Motion
11 to Dismiss Allegations from Plaintiffs' Consolidated Amended Complaint and, Memorandum of
12 Points and Authorities in Support Thereof;

13 WHEREAS, Lead Plaintiffs' Oppositions to the Motions to Dismiss are presently due
14 October 13, 2005;

15 WHEREAS, Lead Plaintiffs have requested and Defendants have agreed that, in order to
16 preserve judicial resources and to avoid making duplicative arguments in multiple briefs, Lead
17 Plaintiffs shall file a single Brief in Opposition to All of the Motions to Dismiss, that is 40 pages in
18 length;

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1 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the parties,
2 subject to the Order of the Court, that Lead Plaintiffs James P. Levy and David M. Simon may file a
3 single Memorandum of Points and Authorities in Opposition to All Defendants' Motions to Dismiss
4 and/or Strike, that is 40 pages in length.

5 IT IS SO STIPULATED.

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7 Dated: October 12, 2005

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19 **Liaison Counsel for Lead Plaintiffs**

20 Dated: October 12, 2005

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1 Dated: October 12, 2005

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9 Dated: October 12, 2005

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Counsel for Defendant Thomas A. Skoulis

16 **ORDER**

17 IT IS HEREBY ORDERED that Lead Plaintiffs James P. Levy and David M. Simon may
18 file a single Memorandum of Points and Authorities in Opposition to All Defendants' Motions to
19 Dismiss and/or Strike, that is 40 pages in length.

20 IT IS SO ORDERED:

21 DATED: 10/18, 2005

/S/ RONALD M. WHYTE
HON. RONALD M. WHYTE
U.S. DISTRICT COURT JUDGE